

and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, May 6, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 867, A bill to be entitled "An Act to amend Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of Texas, of 1925, prescribing when the sentence shall be an indeterminate sentence, and fixing the time a penitentiary sentence shall begin to run; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed in the Journal.

SMALL, Chairman.

#### Amendment No. 1.

Amend House Bill No. 867 by adding to the last line of Section 1, the following:

"and when such person is in custody of some officer of the State under and by virtue of such sentence."

By Mathis.

H. B. No. 867.

#### A BILL To Be Entitled

An Act to amend Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of Texas of 1925, prescribing when the sentence shall be an indeterminate sentence, and fixing the time a penitentiary sentence shall begin to run, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 775 of Chapter 3, Title 9, of the Code of Criminal Procedure of the State of Texas of 1925 shall be amended so as to hereafter read as follows:

Art. 775. If the verdict fixes the punishment at confinement in the penitentiary for more than the minimum term, the Judge in passing sentence shall pronounce an indeterminate sentence, fixing in such sentence as the minimum the time

provided by law as the lowest term in the penitentiary and as the maximum the term stated in the verdict. The term of one sentenced to confinement in the penitentiary shall begin when the sentence becomes final.

Sec. 2. The fact that this amendment will make the present Statute on indeterminate sentences clear, it being at present in conflict with the Statute as to verdicts, which does not always require the punishment to be stated in the verdict, as in cases where the punishment is absolutely fixed by law, and the fact that there is now no law fixing the time when a sentence in the penitentiary shall begin to run, and that many convicts are kept in jail after their sentences become final, and now in county jails on account of the crowded condition of the penitentiary, create an emergency, and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### SIXTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
May 7, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Prayer by Mr. W. J. Terrell of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

#### Conferees Appointed.

The Chair announced the appointment of the following Conference Committee on House Bills 335 and 336:

Senators Woodul, Rawlings, Martin, Williamson, and Woodward.

#### H. J. R. No. 26.

The Chair laid before the Senate on third reading the following resolution:

H. J. R. No. 26, Proposing an amendment to Article VI of the Constitution of the State of Texas by adopting a new section, which will provide that only qualified electors owning taxable property in the State county, district, political subdivision, city, town or village where the election is held and which has been duly rendered for taxation shall be qualified to vote at elections held for the purpose of issuing bonds or otherwise lending credit, or expending money or assuming debts therein.

Read third time.

On motion of Senator DeBerry, the vote by which his amendment was adopted was reconsidered.

The amendment was lost.

The resolution was finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

#### Messages from the House.

Hall of the House of Representatives,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 522, A bill to be entitled "An Act to amend Article 1605, Revised Civil Statutes of 1925; and declaring an emergency."

H. C. R. No. 57, Relative to a State Conservation Program.

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 59, Regulating the Enrolling Clerk of the House to correct the Caption of H. B. No. 470 to conform to the changes in the body of the bill.

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 72, A bill to be entitled "An Act amending Section 79 of Article 199, Title 8, Revised Civil Statutes of 1925, changing the 79th Judicial District, providing the jurisdiction of said court and the fixing of terms of court writs and bonds issued, served, executed or entered into shall be returned to the respective courts, prescribing the duties of such courts, and prescribing the time of the taking effect hereof."

(With Amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills and  
resolution:

S. B. No. 375, A bill to be entitled  
"An Act creating the Division of  
Child Welfare in the Board of Con-  
trol; empowering the Board of Con-  
trol to employ a Chief and necessary  
assistants; prescribing qualification  
to the chief; defining the duty of  
the Division as to defective, illegiti-  
mate, dependent, neglected and delin-  
quent children through enforce-  
ment of all state laws in regard  
thereto; vesting authority for pay-  
ment of all expenses; providing for  
county welfare boards and describ-  
ing their duties; outlining said  
county officers and agencies; de-  
scribing methods to be employed by  
Board of Control in importation and  
exportation of minors, declaring pen-  
alty for violation of such provision;  
providing for licensing, visiting and  
inspection of individuals, agents and  
institutions handling children, vest-  
ing authority in board as to charter  
for such purposes; imposing duty  
Child Welfare Division as to certain  
Eleemosynary Institutions and their  
policies; declaring children receiving  
aid through the Board of Control as  
wards of the State and outlining  
custody and guardianship of same;  
saving clause, and declaring an  
emergency."

(With Amendments.)

Senate Simple Resolution No. 139,  
Recalling H. B. No. 39 for correc-  
tion.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. J. R. No. 25.

The Chair laid before the Senate  
on its second reading the following  
resolution:

H. J. R. No. 25, Proposing an  
amendment to the Constitution of  
the State of Texas by adding to  
Article IX thereof a new section to  
be numbered 3, so as to authorize  
any county having more than  
60,000 population to adopt a home  
rule charter for the establishment  
and regulation of its government,  
etc., and declaring an emergency."

Read second time.

Senator Loy sent up the following  
amendment:

Amend H. J. R. No. 25, page 5,  
Section 2, lines 11 and 20 by strik-  
ing out the words and figures 60,000  
and insert in lieu therefor the words  
and figures 75,000, and amend the  
caption to conform.

LOY.

The amendment was read.

#### Executive Session.

At 11:50 o'clock, the Chair an-  
nounced that the hour for the joint  
session had arrived. The Chamber  
was cleared and the doors were  
locked.

#### After Executive Session.

At the conclusion of the executive  
session, the Secretary of the Senate  
informed the Journal Clerk that the  
following action had been taken.

#### Committee Room,

Austin, Texas, May 1, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Gov-  
ernor's Nominations, to whom was  
referred the following nominations  
of the Governor, beg leave to report  
that we have considered the ap-  
pointees recommended by the Gov-  
ernor, and recommend that the ap-  
pointment of the following named  
persons for the following named po-  
sitions be in all things confirmed:

Board of Directors of Texas Tech-  
nological College.

General John A. Hulen of Fort  
Worth to succeed F. E. Clarity, re-  
signed.

State Board of Pharmacy.

For the next ensuing statutory  
term, viz:

Paul Carroll, Texarkana.  
C. Bryan Allison, Dallas.

Board of Regents of College  
Industrial Arts.

For the next ensuing statutory  
term, viz:

Mrs. M. H. Hagaman of Ranger,  
Texas.

R. H. Hoffman of Denton.  
Kester W. Denman of Lufkin.

**State Board of Health.**

Dr. C. M. Rosser of Dallas.  
Dr. E. W. Wright of Bowie.

**State Board of Dental Examiners.**

Dr. Jack Hearne of Fort Worth, to  
succeed Dr. W. O. Talbot, resigned.

The following are appointed as  
Branch Pilots for the ports of Gal-  
veston and Texas City:

H. L. Babcock of Galveston.  
B. F. Pomeroy of Galveston.  
Lewis Lock of Galveston;  
H. H. Haden of Galveston.  
A. C. Steinhart of Galveston.  
A. M. Carlson of Galveston.  
W. E. Hayman of Galveston.  
W. A. Leech of Galveston.  
V. C. Amburn of Texas City.  
H. D. Wetmore of Galveston.  
H. H. Dalehite of Galveston.  
J. H. Johnson of Galveston.

The following named are appointed  
as Pilot Commissioners for the ports  
of Galveston and Texas City for the  
next ensuing statutory term, viz:

George D. Morgan of Galveston.  
P. M. Gengler of Galveston.  
J. H. Langben of Galveston.  
R. I. Cohen, Sr. of Galveston.  
E. V. Rhodes of Texas City.

WOODUL, Vice-Chairman.

Notaries Public confirmed. (See  
Permanent Journal.)

**Recess.**

On motion of Senator Russek, the  
Senate at 12:04 o'clock p. m., re-  
cessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m.,  
pursuant to recess, and was called to  
order by the Lieutenant Governor  
Edgar E. Witt.

**At Ease.**

By unanimous consent, the Senate  
stood at ease in order to permit cer-  
tain Committees to complete hear-  
ings.

**Motion to Set Special Order.**

On motion of Senator Berkeley  
H. B. No. 241 was set as special or-  
der next Saturday morning im-  
mediately following the morning  
call.

**H. J. R. No. 25.**

The question recurred upon the  
amendment to H. J. R. No. 25. The  
amendment was adopted.

Senator Moore sent up the fol-  
lowing amendment:

Amend H. J. R. No. 25, page 4,  
printed by the Senate, line 11, page,  
between the "a" and "majority" by  
adding the word "two-thirds."

MOORE.

Read and lost by the following  
vote:

Yeas—11.

Berkeley.	Parrish.
Hardin.	Pollard.
Loy.	Russek.
Moore.	Williamson.
Oneal.	Woodward.
Parr.	

Nays—11.

Cousins.	Patton.
Cunningham.	Purl.
Gainer.	Stevenson.
Greer.	Woodruff.
Holbrook.	Woodul.
Hornsby.	

Absent—Excused.

Beck.	Hopkins.
-------	----------

Absent.

DeBerry.	Small.
Martin.	Thomason.
Neal.	

(Pair Recorded.)

Senator Rawlings (present) who  
would vote nay, with Senator Poage  
(absent) who would vote yea.

Senator Moore sent up the follow-  
ing amendment:

Amend H. J. R. No. 25, page 4,  
Sub-Sec. 8, by striking out all after  
the word "contained" and substitut-  
ing in lieu thereof the following:  
"by a majority vote of those partici-  
pating in such election called for  
that purpose, and such election to  
abandon shall be called upon peti-  
tion of ten (10) per cent of the  
voters of the county affected."

MOORE.

The amendment was read.

On motion of Senator Woodruff,  
the previous question was ordered  
on the amendment and the resolu-  
tion.

The amendment was adopted.

The resolution was passed to third  
reading by the following vote:

## Yeas—12.

Cousins.	Parr.
Gainer.	Patton.
Greer.	Purl.
Holbrook.	Stevenson.
Hornsby.	Woodruff.
Loy.	Woodul.

## Nays—10.

Berkeley.	Parrish.
Cunningham.	Pollard.
Hardin.	Russek.
Hopkins.	Williamson.
Moore.	Woodward.

## Present—Not Voting.

Oneal.

## Absent.

DeBerry.	Small.
Martin.	Thomason.
Neal.	

## Absent—Excused.

Beck.

## (Pair Recorded.)

Senator Rawlings (present) who would vote yea, with Senator Poage (absent) who would vote nay.

## Simple Resolution No. 139.

Senator Woodruff sent up the following resolution:

Be it Resolved by the Senate that the House be requested to return H. B. No. 39 to the Senate for further consideration.

WOODRUFF.

Read and adopted.

## Bills Signed.

The Chair, Lieut. Gov. Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill:

S. B. No. 522.

## Pages Excused.

On motion of Senator Woodul, the pages were excused for the afternoon to attend the baseball game in care of Asst. Sergeant-at-Arms Tom McClendon.

## H. J. R. No. 31.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 31, Proposing an

amendment to Section 26, of Article 3, of the Constitution of Texas, by adding thereto Section 26a, providing that under no apportionment shall any county be entitled to more than five representatives unless the population of such county shall exceed five hundred thousand people; providing for the apportionment in counties of more than five hundred thousand people; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

Read second time and passed to third reading by the following vote:

## Yeas—14.

Berkeley.	Oneal.
DeBerry.	Parr.
Hardin.	Parrish.
Holbrook.	Poage.
Hopkins.	Small.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodward.

## Nays—12.

Cousins.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hornsby.	Stevenson.
Patton.	Williamson.
Pollard.	Woodul.

## Absent.

Cunningham.	Neal.
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## Absent—Excused.

Beck.

## (Pair Recorded.)

Senator Martin (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

## H. C. R. N. 46.

On motion of Senator Hornsby, H. C. R. No. 46 was laid on the table subject to call.

## S. C. R. No. 47.

Senator Cunningham sent up the following resolution:

Whereas, on February 22nd, 1932, the passing years will have rounded out two full centuries since the birth of George Washington, the father of our country; and

Whereas, the last Congress of the United States enacted a law which provided, among other things, "that the people should observe the Cele-

bration of the Two Hundreth Anniversary of the birth of George Washington in order that future generations of American citizens may live according to the example and precepts of his exalted life and character and thus perpetuate the American Republic"; and

Whereas, in pursuance of this laudable undertaking the Congress of the United States has appropriated over eight hundred thousand dollars to carry this celebration to a successful conclusion; and

Whereas Congress created the United States George Washington Bicentennial Commission" composed of the President of the United States as Chairman, the Vice-President, the Speaker of the House of Representatives, four members of the Senate and four members of the House of Representatives and other prominent citizens; and

Whereas, the Government of the United States, through its Bicentennial Commission, is anxious to procure the whole hearted co-operation of the public officials and the people of every State in the Union; and

Whereas, as a silent though eloquent request for that co-operation the Federal Government, through the Bicentennial Commission, is presenting to the Governor of each State a bust of George Washington: and

Whereas, the bust for His Excellency, the Honorable Ross Sterling, Governor of Texas, is now in Austin ready for presentation to him; and

Whereas, the Legislature of the State of Texas is willing and anxious to render full co-operation in carrying forward the celebration of George Washington's birthday:

Therefore, Be It Resolved by the Senate of Texas, The House of Representatives Concurring, That a joint session of both bodies be set, and it is hereby set, on Friday, May 15th, 1931, at eight o'clock p. m., in the House of Representatives, for the purpose of presenting to His Excellency, the Honorable Ross Sterling, Governor of Texas, the afore-said bust.

Cunningham, Woodul, Cousins, Holbrook, Hardin, Martin, Hopkins, Neal, Stevenson, Russek, Loy, Purl, Hornsby, Parr, Oneal, Berkeley, Pollard, Thomason, Patton, Moore, Rawlings, Williamson, Woodruff, Woodward, Gainer, Greer.

Read and adopted.

#### H. B. No. 332.

Senator Stevenson called up the motion spread on the Journal to reconsider the vote by which H. B. No. 332 was finally passed.

Senator Stevenson moved to table the motion to reconsider. The motion prevailed by the following vote:

Yeas—19.

Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Purl.
Hardin.	Russek.
Holbrook.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parrish.	

Nays—4.

Berkeley.	Oneal.
Hornsby.	Rawlings.

Absent.

Gainer.	Poage.
Greer.	Small.
Hopkins.	Williamson.
Parr.	

Absent—Excused.

Beck.

#### House Bill No. 239.

The Chair laid before the Senate as special order the following bill:

By M. Greathouse, Duval, Beck, Holder, McCombs, Patterson, Kellar, Combes, Savages, Mrs. Hughes.

H. B. No. 239, A bill to be entitled "An Act to create and establish Trinity River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of Texas, to be a governmental agency a body politic, municipal and corporate; also stating the intent and expressions as used in this act, etc., and declaring an emergency."

Read second time.

Senator Woodruff moved the previous question on the bill. The motion failed to receive the proper seconding.

#### Committee Appointed.

The Chair announced the appointment of the following Committee to arrange for reception and entertainment of Hon. Jouett Shouse:

Senators Neal, Hopkins, Small, Martin, Woodward, Moore, and Parr.

### Recess.

On motion of Senator Moore, the Senate, at 5:20 o'clock p. m., recessed until 10 o'clock tomorrow morning.

## APPENDIX.

### Petitions and Memorials.

#### Telegram

1931 MAY 7 PM 2 34  
D70 20—WASHINGTON DC 7 253P  
HON BOB BARKER—

SECRETARY OF THE SENATE  
AUSTIN TEX—

PLEASE EXTEND TO THE STATE  
SENATE MY APPRECIATION OF  
THEIR COURTESY IN PASSING  
YESTERDAY RESOLUTION RE-  
LATIVE TO MY PROSPECTIVE  
VISIT—

JOUETT SHOUSE.

THE UNIVERSITY OF TEXAS  
Austin

Dean of the College of Engineering  
Office of the

Austin, May 6, 1931.  
Hon. Edgar E. Witt, Lieut. Governor,  
and the  
Members of the State Senate,  
Austin, Texas.  
Dear Friends:

Nine hundred and ninety-one En-  
gineering students of the University  
of Texas invite your honorable body  
to visit the Engineers' Power Show  
on the nights of May 7 and 8, Thurs-  
day and Friday nights from six to  
ten P. M. The first night will be  
in the old Engineering Building. The  
second night will be in the New  
Engineering Building. All the lab-  
oratories will be running in full blast  
and the new developments of Petro-  
leum Production Engineering will be  
featured. Hope to see each one of  
you present. You will be met with  
a glad hand and a warm heart.  
Everything is absolutely free.

Respectfully yours,

T. U. TAYLOR,

Dean of Engineering, University of  
Texas.  
TUT: sh

### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 522  
carefully examined and compared  
and find same correctly enrolled.

GREER, Chairman.

### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 378  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 415  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 383  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 31  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 6, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 259  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, May 6, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 258 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 997, A bill to be entitled "An Act abolishing the office of District Attorney in the 77th Judicial District of Texas; fixing the duties of County Attorneys of said district; fixing their compensation; repealing conflicting laws; fixing effective date of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, May 7, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 21, Proposing amendments to Section 154 and 166 of Article 8, of the Constitution of Texas, combining the offices of tax collector and assessor of taxes; providing the time and manner thereof; providing for its submission to the voters of the State of Texas, as required by the Constitution and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOLBROOK, Chairman.

By Strong, et al. H. J. R. No. 21.

#### A JOINT RESOLUTION

Proposing amendments to Sections 14 and 16, of Article 8, of the Constitution of Texas, combining

the offices of Tax Collector and Assessor of Taxes; providing the time and manner thereof; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making an appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 14 of Article 8 of the Constitution of Texas be amended so as to hereafter read as follows:

"Section 14. There shall be elected by the qualified electors of each county at the same time and under the same law regulating the election of State and County officers, an Assessor and Collector of Taxes, who shall hold his office, for two (2) years and until his successor is elected and qualified; and such Assessor and Collector of Taxes shall perform all the duties with respect to assessing property for the purpose of taxation and of collecting taxes as may be prescribed by the Legislature."

Sec. 2. That Section 16, of Article 8, of the Constitution of Texas be so amended as to hereafter read as follows:

"Sec. 16. The sheriff of each county in addition to his other duties shall be the Assessor and Collector of Taxes therefor. But, in counties having ten thousand (10,000) or more inhabitants, to be determined by the last preceding census of the United States, an Assessor and Collector of Taxes shall be elected to hold office for two (2) years and until his successor shall be elected and qualified.

Sec. 3. The foregoing Constitutional amendment shall be submitted to the qualified electors of the State at an election to be held throughout the State on the next general election to be held on the first Tuesday after the first Monday in November, 1932, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words, "For amendment to the Constitution of the State of Texas, combining into one office of assessor and collector of taxes, the offices of assessor and tax collector;" and those opposed shall write or have printed on their ballots the words, "Against the amendment to the Constitution of the State of Texas, combining into one office of



assessor and collector of taxes, the offices of assessor and tax collector."

Sec. 4. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution and existing laws of the State.

Sec. 5. The sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of said publication and election.

Committee Room,

Austin, Texas, May 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 141, A bill to be entitled "An Act amending Article 287, Code of Criminal Procedure, 1925, so as to require the fixing and approving bail bonds without necessity of suing out a writ of habeas corpus; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

SMALL, Chairman.

Engrossed Rider.

Amend H. B. No. 141 by adding to end of Section 1 the following:

"Provided no officer shall receive any fees for such services hereunder."

(Adopted May 1, 1931.)

By Bond.

H. B. No. 141.

A BILL

To Be Entitled

An Act amending Article 287, Code of Criminal Procedure 1925, so as to require the fixing and approving bail bonds without necessity of suing out a writ of habeas corpus and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 287, Code of Criminal Procedure 1925, be amended so as to read as follows:

"Article 287. In cases of felony, when the accused is in custody of

the sheriff or other peace officer and the Court before which the prosecution is pending is in session in the County where the accused is in custody, the Judge shall order and direct that the accused be immediately brought before the Court and the Judge shall investigate if it is a bailable case, all of which shall be done without the issuance of writ of habeas corpus. If found to be a bailable case, the Court shall fix the amount of bail and the sheriff or other peace officer shall immediately take a bail bond of the accused in the amount as fixed by the Court, to be approved by such officer taking the same, and will thereupon discharge the accused from custody. It shall not be necessary for the defendant or his sureties to appear in Court."

Sec. 2. The fact that the law herein amended does not provide sufficiently the manner of fixing bail bond which causes unnecessary suing out writs of habeas corpus and thereby causes the State to pay out large sums of unnecessary expense, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days be suspended and the same is hereby suspended and this Act shall be in force and effect from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, May 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 658, A bill to be entitled "An Act to regulate all personal, physical, mental endurance contests in public competition for prizes and awards and admission fees; prescribing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

SMALL, Chairman.

By Pope.

H. B. No. 658.

A BILL

To Be Entitled

An Act to regulate all personal, physical, mental endurance con-

tests in public competition for prizes and awards and admission fees; prescribing penalties and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All personal, physical and mental endurance contests in public competition for prizes, awards or admission fees shall not continue longer than twenty-four (24) hours in any one continuous competitive period of endurance. All contestants having engaged in any endurance contest continuously for a period of twenty-four (24) hours shall be required to cease from such contest for a period of twenty-four (24) hours before recommencing the same or any other period of personal, physical and mental endurance in public competition for prizes or awards or admission fees.

Sec. 2. Each promoter of any personal, physical, mental endurance contests in public competition for prizes, awards or admission fees who shall violate any provision of this Act or any person who shall enter such contest shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each offense, or confined in the County Jail not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment.

Sec. 3. The provisions of this Act shall not apply to any athletic contests of schools, colleges, and universities of the State nor to any trial contests for the purpose of testing the strength and capacity of materials and machinery of any kind.

Sec. 4. The fact that certain citizens of this State have been taking part in what is known as marathon dances and engaging therein until weak, blind and delirious, thereby doing permanent damage to such contestants, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

## SIXTY-SEVENTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 8, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

### Senate Bill No. 619.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Small:

S. B. No. 619, A bill to be entitled "An Act to amend H. B. No. 59, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 619 was put on its third reading and final passage, by the following vote:

### Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

### Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

### Yeas—30.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.